

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEONEL GARCIA-PADILLA and  
MARTIN GONZALEZ-MORENO,

Defendants.

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8:06CR119

ORDER

This matter is before the court on the motion to continue by defendant Martin Gonzalez-Moreno (Gonzalez-Moreno) (Filing No. 34). Gonzalez-Moreno seeks a continuance of the trial of this matter scheduled for July 3, 2006. The court heard the motion during a hearing on June 1, 2006. Counsel for the government has no objection to the motion. Gonzalez-Moreno acknowledged that he consents to the motion and understood the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted. Trial of this matter will be continued as to both defendants.

**IT IS ORDERED:**

1. Gonzalez-Moreno's motion to continue trial (Filing No. 34) is granted.
2. Trial of this matter as to both defendants is re-scheduled for **August 7, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 1, 2006 and August 7, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 1st day of June, 2006.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge